

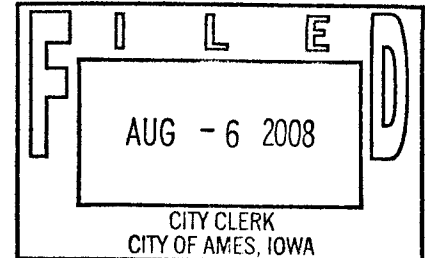


City Attorney's Office

515 Clark Avenue, P. O. Box 811
Ames, IA 50010
Phone: 515-239-5146 • Fax: 515-239-5142

August 5, 2008

The Honorable Ann Campbell, Mayor,
and Members of the City Council
of the City of Ames, Iowa



Re: Parking in Front Yards – Amending the City Code to Add Definitions

Dear Mayor Campbell and Council Members:

Two separate City ordinances prohibit parking in the front yards of residential structures. Section 18.15 of the Municipal Code prohibits a driver from parking a vehicle in a front yard. Violations are punishable as traffic offenses. Section 29.406(7) prohibits a property owner from permitting the parking of vehicles in a front yard. Violations are zoning offenses. In some situations, particularly with irregularly-shaped lots and corner lots, it is difficult for residents and enforcement officials to determine whether a vehicle is parked improperly.

Until 2000, the Code included a definition of “front yard” that was used to determine where parking was prohibited. As part of a comprehensive revision of the zoning ordinance in 2000, however, the definition of “front yard” was deleted from the Code. As a consequence enforcement of the parking prohibitions has become more difficult, particularly for residential structures located on irregularly-shaped lots and corner lots.

In the absence of a definition, reasonable minds may differ over whether a particular parking spot is situated in a front yard or a side yard. For that reason, I am recommending that the Code be amended by adding a definition of “front yard” to the parking and zoning chapters. The attached draft ordinances, with the added definitions underlined, would clarify the Code and make it easier for residents and City employees to understand and enforce the prohibitions on parking in front yards.

I suggest that the ordinance amending Section 18.15 be referred for consideration by the Council at a future meeting. I suggest that the ordinance amending Section 29.406 be referred for consideration first by the Planning and Zoning Commission.

Yours truly,

Douglas R. Marek
City Attorney

c: Steve Schinker, Diane Voss, Chuck Cychosz, David Brown, Steve Osguthorpe

enclosures

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 18.15 THEREOF, FOR THE PURPOSE OF DEFINING FRONT YARD AND PROHIBITING FRONT YARD PARKING; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 18.15 as follows:

“Sec. 18.15. PARKING IN FRONT YARDS

The parking of motor vehicles in the front yards of residential structures is prohibited. Any person who parks a motor vehicle in the front yard of a residential structure shall be in violation of this section, provided, however, the aforesaid prohibition shall not apply to the parking of motor vehicles on driveways and parking areas established pursuant to a properly issued building/zoning permit of the City of Ames. As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line extending from the left side of the lot to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards. (See Figure 18.15-1).

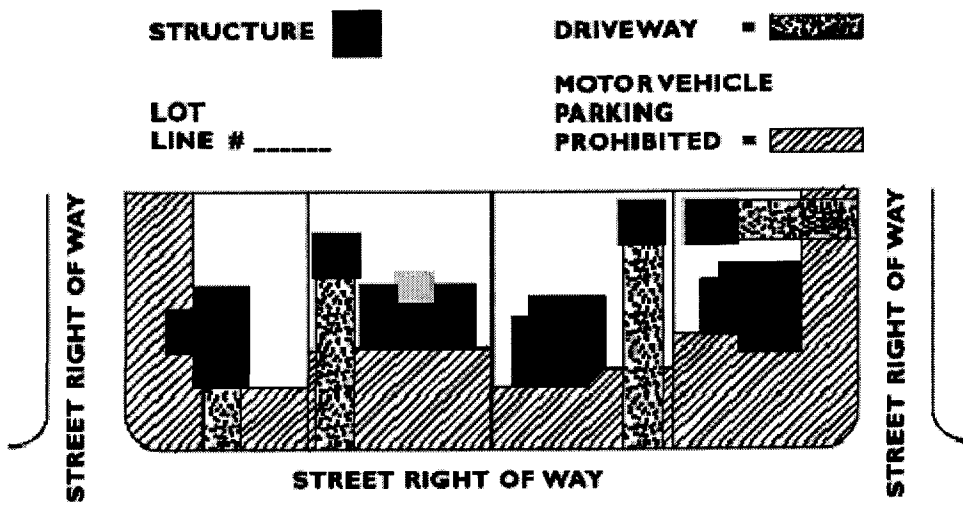


Figure 18.15-1

Section Two. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 2008.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.406 THEREOF, FOR THE PURPOSE OF DEFINING FRONT YARD AND REGULATING OFF-STREET PARKING; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 29.407 as follows:

"Sec. 29.406. OFF-STREET PARKING

....

(7) Locating Parking Spaces in Front Yard.

(a) The use of the front yard for the location of vehicular parking is permitted in the "CCN", "CCR", "HOC" and "GI" Districts, if a minimum setback of 5 feet from the front lot line and 5 feet from the side lot lines are maintained and landscaping is installed and maintained within those setback areas. Unless a parking lot plan is submitted as part of the development process pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403(4)(f) shall be submitted to and approved by the Director of Planning and Housing (to be evidenced by a document signed by both the property owner or owner's agent and the said director), prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. No Building/Zoning Permit required by Section 29.1501 shall be issued until the plan is submitted and approved.

(i) The provisions of this subsection shall not apply to the use of a front yard for vehicular parking where it is proven by the property owner, by documentary evidence or the testimony of disinterested third parties, that such use was lawfully established prior to the effective date of this Ordinance.

(ii) This Ordinance shall apply to any expansion or increase in the area of the front yard used for parking, even if no other conversion, construction or change to the subject premises occurs. Wherever this subsection applies, the subject parking area shall be so constructed and maintained as to meet the surfacing standards in Section 29.406(11).

(Ord. No. 3591, 10-10-00, Ord. No. 3660, 4-23-02; Ord. No. 3822, 3-8-05)

(b) The use of the front yard for the location of vehicular parking is permitted in the "S-HM" district only, but only if setbacks of 15 feet from the front lot line and 10 feet from the side lot lines are maintained with respect to the front yard parking area, and a landscaped berm is installed and maintained in said setback areas. The landscaped berm shall be so designed, constructed and maintained as to help screen from view from the front and sides, any and all motor vehicles parked on the parking lot in any season of the year. Unless a parking lot plan is submitted pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403(4)(f) shall be submitted to and approved by the Director of Planning and Housing (to be evidenced by a written document signed by both the property owner, or owner's agent, and the said director) prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. No Building/Zoning Permit required by Section 29.1501 shall be issued until the plan is submitted and approved as aforesaid.

(i) Parking in the front yard pursuant to this subsection shall be permitted as stated only with respect to a totally new building constructed on the site. Such parking shall not be permitted if there is on the subject premises any building or part of a building that was occupied or used for any purpose whatsoever prior to the effective date of the subsection or prior to the desired establishment or expansion of such front yard parking.

(ii) This subsection shall apply to any expansion or increase in the area of the front yard used for parking, even if no other conversion, construction or change to the subject premises occurs. Wherever this subsection applies, the subject parking area shall be so constructed and maintained as to meet or exceed the surfacing standards set out in Section 29.406(11).

(c) Under no circumstances shall vehicular parking be permitted in the front yard of any residential building in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side property line.

There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

(Ord. No. 3591, 10-10-00, Ord. No. 3675, 8-27-02)

(d) For one and two family dwellings with access only from either Grand Avenue, Thirteenth Street, Duff Avenue, or Lincoln Way, and located on a segment of one of those streets where the Public Works Department can confirm an average weekday traffic count of not less than 12,000 vehicles per day, there may be a paved area appended to the driveway as a space in which a motor vehicle can be turned around to avoid backing onto the street. The dimensions of the said turning space shall be no greater than reasonably convenient to that purpose. The dimensions and configuration of that space shall be approved in writing by the Department of Planning and Housing prior to construction. A Building/Zoning Permit per Section 29.1501 shall be required for installation of the turn-around.

(e) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line extending from the left side of the lot to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards."

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